

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 10-01253-MMM(Ex)

Date April 5, 2010

Title Amanda Mitchell vs Simm Associates Incorporated

Present: The Honorable MARGARET M. MORROW

ANEL HUERTA

Deputy Clerk

N/A

Court Reporter

Attorneys Present for Plaintiffs:

None appearing

Attorneys Present for Defendants:

None appearing

Proceedings: Order to Show Cause re Dismissal re Lack of Prosecution

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 120 days after the complaint is filed. Fed.R.Civ.Proc. 4(m). Generally, defendants must answer the complaint within 20 days after service (60 days if the defendant is the United States). Fed.R.Civ.Proc. 12(a)(1).

In the present case, it appears that one or more of these time periods has not been met. Accordingly, the court, on its own motion, orders plaintiff(s) to show cause in writing on or before **April 16, 2010** why this action should not be dismissed for lack of prosecution. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the court finds that this matter is appropriate for submission without oral argument. The Order To Show Cause will stand submitted upon the filing of plaintiff's response.

If plaintiff/defendant files

- ☐ Proof(s) of service of summons and complaint on the following defendant(s):
- ☒ An answer by the following defendant(s): **Simm Associates Incorporated**
- ☒ Plaintiff's application for entry of default pursuant to Rule 55a of the Federal Rules of Civil Procedure: **Simms Associates Inc**
- ☐ Plaintiff's motion for default judgment pursuant to Rule 55b of the Federal Rules of Civil Procedure:

on or before the date indicated above, the court will consider this a satisfactory response to the Order To Show Cause.